

United States Southern District of Indiana

**FILED**  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION  
**15 FEB 13 PM 4:14**  
SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

Daniel Lynn Brown Jr.,

Plaintiff

**1 : 15 -cv- 0224 TWP -DML**

v.

FCC Terre Haute Staff: Clinical Director Dr. Wilson,  
Hosp. Admin. Mrs. Beighley,, Warden J.F. Caraway, Assistant  
Warden H.G. Church, FCI Warden J. Oliver, FCI  
Warden L. LaRiva, Warden Charles L. Lockett, Assistant  
Hospital Admin. K. Klink, PA Z. Ndife, PA Drummy, PA Miller.  
Bureau of Prisons staff: Regional Director Paul Laird,  
Director of the BOP Charles Samuels, Admin. Natl. Inmate  
Appeals- Harrell Watts. Outside Medical contractors;  
Dr. Mickey Cho, Orthopedic Surgeon Dr. Ulrich. Attorney  
Attorney General of the USA Eric Holder.

United States of America  
Defendants

Complaint Pursuant to:

42 USC 1986 1346(b)

2671-TORT &

1331-BIVENS 13(A)(1),

(2), (3), & (4)

CASE NO. \_\_\_\_\_

**JURY TRIAL AND**

**INJUNCTION**

**REQUESTED**

Plaintiff Complaint Pursuant to Title 42 USC 1981, 1985-86, 28 USC 1346 (b), 1332  
(a)(1), (2), (3), & (4), 1402 (b), 2671 TORT & 1331 BIVENS & The Violation of Plaintiff's  
Constitutional Rights.

### **SUBJECT MATTER JURISDICTION**

This Honorable Court has subject matter jurisdiction under 28 USC 1346 (b), 1331, 1343; Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1976), to hear a Federal Complaint and Tort Act, pursuant to 1346, 2671, et. Seq, acting in their official capacities, and a federal question under 1331, acting in their own individual capacities, but under color of federal authority. Plaintiff has exhausted all his administrative remedies. Title 28 Judiciary and Judicial Procedure part IV Jurisdiction and Venue Chapter 87 District Courts: Venue 1391 Venue Generally: (e) – a civil action in which a defendant is an officer or employee of the United States, or the United States, may, except as otherwise provided by law, be brought in any judicial district in which (2) – a substantial part of the events or omissions giving rise to the claim occurred, (g) – A civil action in which jurisdiction of the District Court is based upon section 1369 of this Title (28 USC 1369) may be brought in any district in which any defendant resides or which substantial part of the accident giving rise to the action took place.

### **VENUE**

According to 28 USC 1402 (b), of Fed. R. Civ. P., this is the proper venue for the FTCA. According to 28 USC 1391 (b), (e) of the Fed. R. Civ. P., this is the proper venue for the Bivens claim and 42 USC 1985-86.

This is a complaint alleging violation of the Constitution , laws or treaties of the United States as authorized under law; and is seeking monetary and/or other damages in excess of \$4,000,000.00 in U.S. Currency and injunctive relief against further deliberate indifference from medical department and contracted Orthopedic Surgeon.

The United States of America is liable for their employee's cruel and unusual punishment, deliberate indifference and conspiring to violate plaintiff's Constitutional Rights. Plaintiff also prays for injunctive relief requiring Bureau of Prisons to allow Plaintiff to see an independent Orthopedic Surgeon. The current contracted Surgeon has failed to address medical issues discovered in a Bone Scan and the BOP staff have stood silent.

CONCLUSION

Plaintiff-movant Daniel Lynn Brown Jr. #05609-030 pro se, prays that this court GRANT this Motion; together with such other and further relief as the Court may deem just and proper.

Signed under penalty of perjury this 22<sup>nd</sup> Day of January, 2015 at Terre Haute, Indiana.



Plaintiff, Pro Se

FCI Terre Haute

P.O. Box 33

Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I, Daniel Lynn Brown Jr. # 05609-030, duly affirm under penalty of perjury, that on the 22<sup>nd</sup> Day of January, 2015 I mailed a true and exact copy of this Motion to the United States Southern District Court of Indiana. Care of the Clerk of Court.



Plaintiff, Pro Se

FCI Terre Haute

P.O. Box 33

Terre Haute, IN 47808